UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BackWeb Technologies, Ltd.

                               CASE NO. C 09-1224 CW

           Plaintiff(s),

        v.   STIPULATION AND [PROPOSED]

Microsoft Corporation, iAnywhere Solutions,   ORDER SELECTING ADR PROCESS
Inc., Sybase, Inc., and Symantec Corporation
              Defendant(s).
_____/

       Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:
       Non-binding Arbitration (ADR L.R. 4)
       Early Neutral Evaluation (ENE)   (ADR L.R. 5)
       Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

       Private Process:
   ✓   Private ADR (*please identify process and provider*) JAMS Mediation

The parties agree to hold the ADR session by:
       the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

   ✓   other requested deadline by April 9, 2010

Dated: Aug. 25, 2009   /s/ Bruce Wecker
                                      Attorney for Plaintiff

Dated: Aug. 25, 2009   /s/ P. Thayer, M. Fowler, D. Nelson
                                      Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket
Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

      Non-binding Arbitration

      Early Neutral Evaluation (ENE)

      Mediation

✓   Private ADR

Deadline for ADR session

      90 days from the date of this order.

✓   other   April 9, 2010

IT IS SO ORDERED.

Dated: 8/27/09

_____
Honorable Claudia Wilken
UNITED STATES DISTRICT   JUDGE